

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

LAMONT ANTWON SANDERS

*
*
*
* Criminal No. JFM-06-087
* Civil No. JFM-09-957
*
*

MEMORANDUM

Lamont Antwon Sanders has filed this motion under 28 U.S.C. §2255. The motion is entirely without merit and will be summarily denied.

Sanders contends first that his counsel was ineffective in not pursuing a motion to suppress. In fact, counsel did pursue the motion both in the trial court and on appeal (after Sanders entered into a conditional guilty plea).

Second, Sanders contends that his counsel was ineffective in not conferring with him about the presentence report and that this court erred in not complying with the dictates of Fed. R. Crim. P. 32 by assuring that counsel and Sanders had conferred about the presentence report. The record reflects that the court made an appropriate inquiry under Fed. R. Crim. P. 32 concerning whether counsel had conferred with Sanders about the presentence report. The record further reflects that counsel had done so and that counsel submitted suggestions for corrections to the report to the probation officer. The only “glitch,” as reflected on the record, was that defendant refused to accept the final copy of the presentence report when it was mailed to him. By that time, however, counsel had conferred with Sanders about the presentence report and corrections had been made. In any event, a defendant obviously cannot complain of an alleged violation of Fed. R. Crim. P. 32 when, in fact, he himself is the one who refuses to read a

presentence report or confer about it with counsel. Such acts on his part necessarily constitute a waiver of the provisions of the rule.

Finally, Sanders alleges that he was prejudiced by the “cumulative impact” of his counsel’s alleged deficiencies. For the reasons stated, counsel was not deficient in any respect. Therefore, this argument too fails.

A separate order denying Sanders’ motion is being entered herewith.

DATE: 9/24/2009

/s/
J. Frederick Motz
United States District Judge